

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:23-cv-00021-GCM-DCK**

TIGRESS MCDANIEL,

Plaintiff,

vs.

GREEN DOT CORPORATION, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court on Plaintiff's failure to respond to the Court's January 26, 2023 Order. [Doc. 4].

Plaintiff has filed no less than 14 actions in this Court since 2016.¹ On January 26, 2023, the Court denied the Plaintiff's Application to proceed *in forma pauperis* in the instant case due to her pattern of abusive, frivolous, malicious, manipulative, and harassing litigation, and ordered her to pay the full filing fee within 14 days as more fully set forth in that Order. [Doc. 4 at 5, 7]. Plaintiff was cautioned that the failure to timely comply with the Order would result in this case's dismissal without further notice. [*Id.* at 5, 7]. Plaintiff has not paid the filing fee and the time to do so has expired. Therefore, this action will be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua*

¹ Case Nos. 3:16-cv-00826-RJC-DSC, 3:17-cv-00448-RJC, 3:18-cv-00127-RJC-DCK, 3:18-cv-00204-RJC-DLH, 3:18-cv-205-FDW-DCK, 3:18-cv-00530-RJC-DSC, 3:21-cv-00425-GCM, 3:21-cv-00610-FDW-DSC, 3:22-cv-00052-FDW-DSC, 3:22-cv-00065-RJC-DCK, 3:22-cv-00109-RJC-DCK, 3:22-cv-00166-FDW-DSC, 3:22-cv-00236-MOC-DSC, and 3:23-cv-00021-GCM-DCK.

sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order). The Court will dismiss this action without prejudice in accordance with its previous Order. That is, the dismissal is without prejudice **ONLY** as to Plaintiff refiling the action and paying the filing fee in the first instance. [Doc. 4 at 5]. Any attempt to refile this action without paying the filing fee will result in a dismissal **WITH PREJUDICE** without further warning to the Plaintiff. [Id.].

The Court also ordered that the Plaintiff show cause, within 14 days, why a pre-filing review system should not be imposed on her. [Doc. 4 at 7]. The Court ordered that the Plaintiff “shall file a single document, not to exceed more than three (3) pages, succinctly explaining why she believes the Court should not impose the above-described pre-filing review system.” [Id.]. It expressly warned Plaintiff that “**her failure to fully comply with this directive will result in the Court’s imposition of the subject pre-filing review system.**” [Id. at 7-8 (emphasis in original)].

Plaintiff appealed the Court’s show cause Order, [Doc. 5], but failed to respond thereto. Accordingly, for the reasons set forth in the Court’s prior Order [Doc. 4], the Court will direct that all documents submitted by the Plaintiff in the future will be pre-screened by the Court for content. Any proposed filings that are not made in good faith or which lack substance or merit will be returned to the Plaintiff without further explanation. Such a review system “will allow the Plaintiff to have access to the Courts for [her] legitimate concerns, but will prevent [her] from usurping the Court’s resources with [her] baseless submissions.” Vandyke v. Francis, No. 1:12-cv-128-RJC, 2012 WL 257747, at *3 (W.D.N.C. July 3, 2012); Fed. R. Civ. P. 11(b)-(c).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED** without prejudice for the Plaintiff’s failure to comply with the Court’s January 26, 2023 Order in accordance with

the terms of this Order. Specifically, any attempt to refile this action without paying the filing fee will result in a dismissal **WITH PREJUDICE** without further warning to the Plaintiff

IT IS FURTHER ORDERED that a pre-filing review system is hereby **IMPOSED**, and all documents submitted by the Plaintiff in the future, whether in this case or in any other action filed in this District, will be pre-screened by the Court for content. Any proposed filings that are not made in good faith or which lack substance or merit will be returned to the Plaintiff without further explanation.

The Clerk is instructed to add this case to the Plaintiff's Filer Status Report in CM-ECF, and to close this case.

IT IS SO ORDERED.

Signed: February 27, 2023

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

